

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 40-57 and 61-64 are pending in the application, with claims 40 and 49 being the independent claims. Claims 1-39 and 58-60 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 40, 44, 46-49, 54, 56, and 61-63 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Elections/Restrictions

Applicant has canceled Claims 1-38 without prejudice to or disclaimer of the subject matter therein.

Allowable Subject Matter

The Office Action objected to claims 40 and 43 "as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." (Office Action at ¶ 5.)

Regarding claim 40, Applicant has amended this claim to incorporate all of the features of independent claim 39, from which claim 40 depended directly.

Regarding claim 43, Applicant traverses this objection. Claim 43 depends directly from claim 40. Thus, claim 43 is allowable for at least the same reason as claim 40 is allowable. Claim 43 is further allowable because of its additional distinctive features.

Accordingly, Applicant respectfully requests that the Examiner reconsider and remove his objections to claims 40 and 43, and that these claims be passed to allowance.

Rejections Under 35 U.S.C. § 103

Wyant

The Office Action rejected claims 39, 41, 44-47, 54-61, 63, and 64 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,829,219 to Wyant (hereinafter "Wyant"). (*See*, Office Action at ¶ 2.)

Regarding claims 39 and 58-60, Applicant has canceled these claims without prejudice to or disclaimer of the subject matter therein, thereby rendering these rejections moot.

Regarding claims 41, 42, 45, 55, 57, and 64, Applicant traverses these rejections. These claims depend directly or indirectly from amended claim 40. Thus, claims 41, 42, 45, 55, 57, and 64 are allowable for at least the same reason as claim 40 is allowable. Claims 41, 42, 45, 55, 57, and 64 are further allowable because of their additional distinctive features.

Regarding claims 44, 46, 47, 54, 56, 61, and 63, Applicant traverses these rejections. Claims 44, 46, 47, 54, 56, 61, and 63 have been amended to depend directly from amended claim 40. Thus, claims 44, 46, 47, 54, 56, 61, and 63 are allowable for at least the same reason as claim 40 is allowable. Claims 44, 46, 47, 54, 56, 61, and 63 are further allowable because of their additional distinctive features.

Accordingly, Applicant respectfully requests that the Examiner reconsider and remove his rejections of claims 41, 42, 44-47, 54-57, 61, 63, and 64, and that these claims be passed to allowance.

Wyant in View of Abitol

The Office Action rejected claims 48 and 62 under 35 U.S.C. § 103(a) as being unpatentable over Wyant in view of U.S. Patent No. 5,825,476 to Abitol *et al.* (hereinafter "Abitol"). (*See*, Office Action at ¶ 3.) Applicant traverses these rejections. Claims 48 and 62 have been amended to depend directly from amended claim 40. Thus, claims 48 and 62 are allowable for at least the same reason as claim 40 is allowable. Claims 48 and 62 are further allowable because of their additional distinctive features. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove his rejections of claims 48 and 62, and that these claims be passed to allowance.

Wyant in View of Ellerbroek

The Office Action rejected claims 49-53 under 35 U.S.C. § 103(a) as being unpatentable over Wyant in view of U.S. Patent No. 5,128,530 to Ellerbroek *et al.*

(hereinafter "Ellerbroek"). (*See*, Office Action at ¶ 4.) Applicant traverses these rejections.

Amended independent claim 49 recites (emphasis added):

A method of using a holographic reticle to characterize an optical system, the method comprising the steps of:

- (1) *configuring the optical system such that a first plane containing the reticle is positioned obliquely to a second plane where the image is recorded;*
- (2) placing the holographic reticle in a path of an optical beam within the optical system;
- (3) recording an image produced by the path of the optical beam passing through the holographic reticle; and
- (4) analyzing the image interferometrically to produce an interferogram having one or more tilts and one or more pistons that represent at least one optical parameter of the optical system.

The Office Action concedes that "[t]he prior art of record fails to show or to suggest a method of using a holographic reticle to characterize an optical system . . . wherein the first plane containing the reticle is positioned obliquely to a second plane where the image is recorded." (Office Action at ¶ 6.) Therefore, claim 49 is patentable over Wyant in view of Ellerbroek. Likewise, claims 50-53 depend directly or indirectly from claim 49 and are patentable for at least the same reasons as is independent claim 49, and further in view of their additional distinctive features. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove his rejections of claims 49-53, and that these claims be passed to allowance.

Outstanding IDS Submission

An Information Disclosure Statement (IDS) was timely submitted on November 7, 2003, but has not yet been considered. A new copy of the Form PTO-1449 with this document is included for convenience. Applicant respectfully requests that the Examiner consider the disclosed document and indicate his consideration on the Form PTO-1449.

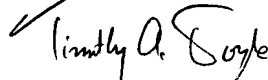
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: 16 JUN 04

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